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**From:** Laycock, Kelly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EDF53496C8284A7D8153E0F312818DF1-LAYCOCK, KELLY]  
**Sent:** 10/19/2020 12:16:06 PM  
**To:** Armor, Suzanne [Armor.Suzanne@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]  
**CC:** Hicks, Matt [Hicks.Matthew@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]  
**Subject:** RE: List of retained waters?  
**Attachments:** 62-331.010(5)\_404\_Handbook.docx; signed 8-5-20\_FINAL\_DEP\_ARMY\_MOA.pdf

Suzanne,

The list of retained waters begins on page 43 of the attached handbook. Specific language regarding “Indian country” can be found on page 2 of the FDEP Army MOA and I’ve copied it below:

*B. The Corps shall retain responsibility for permitting the discharge of dredged and fill material in waters of the United States within “Indian country,” as that term is defined at 18 U.S.C. § 1151. Title 18 U.S.C. §1151 defines “Indian country” as: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Indian reservations include lands held in trust by the United States for an Indian tribe even if such lands have not been formally designated as an Indian reservation.*

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**From:** Armor, Suzanne <Armor.Suzanne@epa.gov>  
**Sent:** Monday, October 19, 2020 6:53 AM  
**To:** Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>  
**Cc:** Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>  
**Subject:** List of retained waters?

Hi, Kelly and Rosemary –

Would you send me the proposed list of retained waters for the 404 assumption? I’m trying to figure out how certain lands of interest to the Miccosukee and Seminole fit into this list (i.e., is it framed as “Indian country” or specific areas, or both?), and how deep of a dive I need to do on these issues raised by the Miccosukee in order to answer their questions. Seeing how the list is framed would be of great help to me in this.

Thanks,  
Suzanne



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She/Her/Hers

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